

GENERAL ORDINANCE NO. 263, 1970

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 70-A0-5

REGIONAL CENTER
ZONING ORDINANCE
OF
MARION COUNTY, INDIANA

METROPOLITAN DEPARTMENT OF DEVELOPMENT

1970

CITY-COUNTY GENERAL ORDINANCE NO. 263, 1970

METROPOLITAN DEVELOPMENT COMMISSION
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AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

REGIONAL CENTER

ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

WHEREAS, Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, established a single planning and zoning authority in counties having first-class cities and grants certain powers relative to the zoning and districting of land to the Metropolitan Development Commission and City-County Council of such counties having first-class cities, in order to unify the planning and zoning functions thereof;

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, has adopted and certified, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA, including the REGIONAL CENTER PLAN FOR INDIANAPOLIS, MARION COUNTY, INDIANA, adopted by said Commission's Resolution 70-CPS-R-2, July 1, 1970;

WHEREAS, said Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, empowers the Metropolitan Development Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the City-County Council an ordinance or ordinances for the zoning or districting of all lands within the County to the end that adequate light, air, convenience of access and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved; that the public health, safety, comfort, morals, convenience and general welfare may be promoted.

NOW, THEREFORE, BE IT ORDAINED by the City-County Council of the consolidated City of Indianapolis and of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council of March 28, 1957, and subsequently amended pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, and all zoning ordinances adopted as parts thereof, as amended, including Ordinance 70-A0-3, the Regional Center Zoning Ordinance of Marion County, Indiana, be amended as follows:

That said Ordinance 70-A0-3, the Regional Center Zoning Ordinance of Marion County, Indiana, be amended to read as follows:

CHAPTER I

SECTION 1.00 REGIONAL CENTER -- ADDITIONAL STANDARDS AND REQUIREMENTS FOR USE AND DEVELOPMENT

- A. All uses permitted by the various ZONING DISTRICTS applicable to land located within the REGIONAL CENTER of Indianapolis, Marion County, Indiana, as said REGIONAL CENTER area is delineated and designated on the attached REGIONAL CENTER ZONING MAP (which MAP is incorporated herein by reference and made a part of this ordinance) shall be subject to the following additional standards and requirements:

All uses of land located within the REGIONAL CENTER of Indianapolis, Marion County, Indiana, shall be subject to the Metropolitan Development Commission's approval, as included within a required site and development plan approved as hereinafter provided.

1. Requirement of Metropolitan Development Commission Approval

No use, building or structure shall hereafter be established, constructed or used on any land within said ZONING DISTRICTS within the REGIONAL CENTER of Indianapolis, Marion County, Indiana, for any purpose other than lawfully existed on the date of the adoption hereof until the proposed use, site and development plan, including the proposed plans for such building or structure, have been filed with and approved on behalf of the Metropolitan Development Commission by the Director or Administrator of the Division of Planning and Zoning of the Metropolitan Development Department or approved by said Metropolitan Development Commission, as hereinafter provided.

Upon the filing of such approval request, the Director or Administrator of the Division of Planning and Zoning of the Metropolitan Development Department, on behalf of the Metropolitan Development Commission, shall consider and approve, disapprove, or approve subject to any conditions, amendments or covenants by the petitioner, the proposed use, site and development plan. Public and individual notice of such filing and action by the Director or Administrator shall not be required. (The action of the Director or Administrator upon such approval request shall be subject to the filing of an appeal, within ten (10) days, by any aggrieved person to the Metropolitan Development Commission.)

Provided, however, any request for approval of a use, site or development plan substantially affecting the REGIONAL CENTER PLAN or land uses within the REGIONAL CENTER, or of other major planning significance, shall be considered and acted upon by the Metropolitan Development Commission.

The Metropolitan Development Commission may consider and act upon such approval requests (or the appeal of the action of the Director or Administrator) at any public meeting of the Commission -- and shall approve, disapprove, or approve subject to any conditions, amendments or covenants by the petitioner, the use, site and development plan. Public and individual notice thereof shall not be required; however, the petitioner (petitioner/appellant, if on appeal) shall have the right to be heard.

(Provided, however, rezoning of any land within the REGIONAL CENTER from the ZONING DISTRICT classification applicable thereto to any other ZONING DISTRICT classification shall require notice as provided by statute and the Rules of Procedure of the Metropolitan Development Commission.)

2. Standards and Requirements for Site and Development Plan, Uses and Structures

The required site and development plan, including building and structural plans, shall indicate:

- (1) Proposed use(s).
- (2) Any existing uses, buildings and structures.
- (3) Proposed buildings and structures.
- (4) Off-street parking layouts, if applicable.
- (5) Vehicular entrances, exits and turn-off lanes, if applicable.
- (6) Setbacks
- (7) Landscaping, screens, walls, fences.
- (8) Signs, including location, size and design thereof.
- (9) Sewage disposal facilities.
- (10) Storm drainage facilities.
- (11) Other utilities if above ground facilities are needed.
- (12) Pedestrian ways and corridors below, at, or above surface.

Said site and development plan, and uses and structures proposed, shall:

- (1) be in conformity with the REGIONAL CENTER PLAN FOR INDIANAPOLIS, MARION COUNTY, INDIANA, adopted by the Metropolitan Development Commission's Resolution 70-CPS-R-2, July 1, 1970;

- (2) be so designed as to create a superior land development plan, in conformity with the Comprehensive or Master Plan of Marion County, Indiana;
- (3) create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the REGIONAL CENTER, applicable ZONING DISTRICT and with adjacent uses;
- (4) provide sufficient and adequate access, parking and loading areas;
- (5) provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- (6) provide adequately for sanitation, drainage and public utilities; and
- (7) allocate adequate sites for all uses proposed--the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive or Master Plan of Marion County, Indiana.

- B. No building or structure shall be erected in said ZONING DISTRICTS within the REGIONAL CENTER of Indianapolis, Marion County, Indiana, without an improvement location permit, and said permit shall not be issued until the proposed use, site and development plan, including the proposed plans for such building or structure, shall have been approved in accordance with section 1.00 A.

Applications for improvement location permit shall be made upon Metropolitan Development Department forms and shall include all information specified by such forms.

CHAPTER II

SECTION 2.00 SEVERABILITY

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision, or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.

NOW BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect from and after this date.

Dated November 17, 1970

CITY-COUNTY COUNCIL OF INDIANAPOLIS
AND OF MARION COUNTY, INDIANA

Attest: Marjorie H. O'Laughlin
Clerk

Thomas C. Hasbrook
President (or Presiding Officer)

Legal Draft -- 10/8/70